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FM AMEMBASSY NAIROBI  
TO RUEHC/SECSTATE WASHDC 3674  
INFO RUEHDS/AMEMBASSY ADDIS ABABA 9715  
RUEHDR/AMEMBASSY DAR ES SALAAM 5603  
RUEHDJ/AMEMBASSY DJIBOUTI 4940  
RUEHKM/AMEMBASSY KAMPALA 2420  
RUEHKH/AMEMBASSY KHARTOUM 1703  
RUEHLO/AMEMBASSY LONDON 2481  
RUEHFR/AMEMBASSY PARIS 2405  
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LONDON AND PARIS FOR AFRICA WATCHERS

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SUBJECT: KENYA ELECTIONS COUNTDOWN 3: 29 DAYS AWAY

REF: NAIROBI 4512 AND PREVIOUS

¶1. (U) SUMMARY: An average of 12 candidates will compete in each of Kenya's 210 parliamentary constituencies (2,547 candidates in total). The Steadman poll, generally considered the most credible, now shows Raila at 43.6 percent, Kibaki at 43.3 percent and Kalonzo at 11.4 percent. So far, we are impressed by the impartiality of the police and the judiciary as regards electoral offenses. We consider Monday, 31 December to be the most likely inauguration date, though Friday, 28 December is theoretically possible. END SUMMARY.

#### Candidates List Published

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¶2. (U) On Wednesday, 28 November, The Electoral Commission of Kenya released the official listing of parliamentary and civic candidates. There are 2,547 parliamentary candidates for 210 seats (an average of 12 candidates per constituency). We will report septel our analysis of the list, which we forwarded to INR and AF/E.

#### Latest Polls

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¶3. (U) Averaging the four main polling firms' latest candidate preference results based on distribution of registered voters produces the following figures:

Raila: 43 percent  
Kibaki: 39 percent  
Kalonzo: 16 percent  
Undecided/Others: 2 percent

The Steadman poll, generally considered the most credible having accurately predicted the 2005 referendum, shows Raila at 43.6 percent, Kibaki at 43.3 percent and Kalonzo at 11.4 percent. All these polls were conducted prior to the mismanaged 16 November nomination exercises, which generated a great deal of anger, resentment and disillusionment among supporters of the two main parties. The next set of polls may tell a different story.

#### Kenya Police Service Acts

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¶4. (U) The Kenya Police Service detained and questioned for

over 12 hours the Assistant Minister of Water for suspected involvement in political violence and misuse of government resources for partisan campaigning on behalf of the President. Nairobi's former Deputy Mayor, who is running on a pro-Kibaki platform to represent the capital's Embakasi constituency in Parliament is now behind bars for having failed to appear in court for his corruption case (attempted bribery of an anti-corruption commission official). A recent judicial decision suspends for the duration of the campaign period a criminal case against the main opposition candidate running for a parliamentary seat against Vice President Awori. So far, we are impressed by the willingness of the police and the judiciary to enforce the law in a non-partisan manner.

31 December is Most Likely Inauguration Date  
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15. (U) Kenya's constitution stipulates that "a person elected as President in accordance with this Constitution shall assume office as President as soon as he is declared to be elected." It further states that, "The President shall hold office for a term of five years beginning from the date on which he is sworn in as President...The President shall...continue in office until the person elected as President at a subsequent presidential election assumes office." Mwai Kibaki was sworn in as President on 30 December 2002. Since the election is scheduled on Thursday, 27 December, we consider Monday, 31 December to be the most likely inauguration date, though Saturday, 29 December is also possible.

RANNEBERGER